

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 15280-3821US
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/856,927
INTERNATIONAL APPLICATION NO. PCT/US99/28107	INTERNATIONAL FILING DATE 24 November 1999	PRIORITY DATE CLAIMED 30 November 1998		
TITLE OF INVENTION RESISTANCE		AN ATP-BINDING CASSETTE PROTEIN RESPONSIBLE FOR CYTOTOXIN		
APPLICANT(S) FOR DO/EO/US DEAN, Michael; ALLIKMETS, Rando; BATES, Susan, E.; FOJO, Antonio, T.				
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 36 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li><input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 37(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (5 counterpart declarations)</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A FIRST preliminary amendment.</li> <li><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 – 1.825.</li> <li><input type="checkbox"/> A second copy of the published international application under 36 U.S.C.</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input checked="" type="checkbox"/> Other items or information:</li> </ol> <p>copy of Notification of Missing Requirements Communication under 37 C.F.R. 1.821-1.825 copy of Noticatino to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures</p>				

US Application no. (if known, see 37 CFR 1.5) 09/856,927		INTERNATIONAL APPLICATION NO. PCT/US99/28107	ATTORNEY'S DOCKET NUMBER 15280-3821US
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(A) (1) – (5)):</b> Neither international preliminary examination fee (37 CFR 1.492) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1000.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but International Search report prepared by the EPO of JPO ..... \$860.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)(4) ..... \$690.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)(4) ..... \$100.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). ..... \$130.00			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		x \$18.00
Independent claims	- 3 =		x \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 270.00
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$130.00			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½. + \$ _____			
<b>SUBTOTAL =</b> \$130.00			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). ..... \$ _____			
<b>TOTAL NATIONAL FEE =</b> \$130.00			
Fee for recording the enclosed assignment (37 CFR 1.2(b)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ _____			
<b>TOTAL FEES ENCLOSED =</b> \$130.00			
09/25/2001 DEUVITTE 000004135-201430 09856927 130.00 CH		Amount to be refunded:  charged:	\$ _____
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 20-1430 in the amount of \$130.00 to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</b>			
SEND ALL CORRESPONDENCE TO: Kenneth A. Weber Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111			
 SIGNATURE			
Kenneth A. Weber NAME			
31677 REGISTRATION NUMBER			

EXPRESS MAIL NO.: EL827153191US

DATE OF DEPOSIT: September 19, 2001

Attorney Docket No.: 15280-3821US

**Enclosures:**

Form PTO 1390

4 counterpart Declarations

copy of Notification of Missing Requirements

Communication under 37 C.F.R. 1.821-1.825 and Preliminary

Amendment

copy of Notification to Comply with Requirements for Patent

Applications Containing Nucleotide Sequence and/or  
Amino Acid Sequence Disclosures